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May 16, 2003

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MAY 16 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

By Hand Delivery

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Re: Joint Comments
Alaska Broadcasters Association,
New Mexico Broadcasters Association
RM-10666 - Rural Translator Service

Dear Ms. Dortch:

Transmitted herewith, on behalf of the above-referenced parties is an original and ten copies of its "Joint Comments" in the instant proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Sincerely,

Lee G. Petro

Enclosures

cc: George Bosari, Esquire
Anne Thomas Paxson, Esquire
Counsel for National Translator Association

0410

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In The Matter of:	}	
	}	
Petition for Rulemaking of National Translator Association	}	RM -10666
	}	
For the Amendment of Part 74 of the Commission's Rules to Add A Rural Translator Service	}	

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MAY 16 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: THE COMMISSION

JOINT COMMENTS

Alaska Broadcasters Association and New Mexico Broadcasters Association (the "Joint Parties"),¹ by and through their attorneys, hereby submit the following **Joint Comments** in support of the Petition for Rulemaking (the "Petition"), filed by the National Translator Association ("NTA"), seeking the creation of a "Rural Translator Service" under Part 74 of the Commission's rules. The Commission released a Public Notice on March 6, 2003 seeking comment on the Petition.²

As discussed in more detail below, the Joint Parties represent broadcasters in states that have relied substantially upon television translator stations since 1982 to provide over-the-air television service to rural areas. Translators are typically the only available method to deliver television service to expansive rural areas, and

¹ Alaska Broadcasters Association and New Mexico Broadcasters Association are nonprofit organizations whose members comprise substantial numbers of the radio and television broadcasters in their respective states. The State Associations represent broadcasters with respect to issues confronting the broadcasting industry and strive to promote the best interest of the broadcasting industry generally.

² *Media Bureau Seeks Comment On National Translator Association's Petition For Rulemaking To Establish A Rural Translator Service*, Public Notice, DA 03-622 (rel. March 6, 2003). See also *National Translator Association's Petition for Rulemaking to Establish a Rural Translator Service*, 68 Fed. Reg. 12,652 (rel. March 17, 2003) (establishing May 16, 2003 as the deadline for comments).

thus, the Joint Parties firmly support any effort to encourage the full use of translator services. Moreover, the rapid licensing of such translator services will also encourage the conversion to digital television. Therefore, the Joint Parties urge the Commission to adopt a Notice of Proposed Rulemaking to implement NTA's Petition.

DISCUSSION

As the Commission is well aware, full-power television licensees in Alaska and New Mexico extensively rely on television translator stations to deliver their over-the-air television signal to rural areas. Broadcasters in Alaska and New Mexico hold more than 1,000 licenses, and have actively participated in each of the LPTV/TV Translator filing windows.³

The reliance on television translators to serve rural America is largely based on the lack of economic incentive for cable or DBS services to provide such video programming services. Since DBS providers are not required to provide "local into local" television service in rural areas, and because, in many cases, it would be prohibitively expensive for cable companies to wire the widely-separated and largely-isolated rural communities in Alaska and New Mexico, the only available solution to promote free, over-the-air television service is the use of television translators. These stations provide rural areas with the programming carried on broadcasters in larger communities through the retransmission of the station's television signal over great distances. Almost all network affiliates in the major

³ *Notice Of Limited Low Power Television/Television Translator Filing Window From April 11, 1994 Through April 15, 1994*, Public Notice, Rpt. 41954 (rel. March 3, 1994); *Notice Of Low Power Television/Television Translator Major Change Only Filing Window From April 22, 1996 Through April 26, 1996*, Public Notice, Rpt. 62033 (rel. March 18, 1996); *Notice and Filing Requirements Regarding July 31 through August 4, 2000 Limited Low Power Television/Television Translator/Class A Television Auction Filing Window*, Public Notice, 15 FCC Rcd 10,854 (2000).

communities of Alaska and New Mexico operate television translators to provide their programming to outlying areas.

NTA's Petition would be quite beneficial for television translators in rural areas, as it would provide expedited attention to those applications that propose service to communities that receive less than four over-the-air television stations. To this end, the Petition proposes that, rather than the current processing structure of periodic filing windows, the Commission would permit one-day rolling windows or day-to-day cutoff procedures for mutually-exclusive applications.

This procedural change would be of great assistance to television translator licensees, as it would provide the opportunity to develop complex translator systems in a deliberate and thoughtful manner. In the past, television translator applications have been only permitted during limited filing windows, notice of which is typically one month or less. As a result, many translator applicants have been forced to quickly assemble applications on short notice, without the proper deliberative approach that a rolling filing window would provide.

The opening of filing windows, first in 1991, then in 1994, 1996, and 2000, have resulting in tremendous waves of applications being filed due to pent-up desire and out of an abundance of caution, with many licensees filing applications for fear that the next application window will not open for a number of years. The adoption of NTA's proposal, however, would permit a more reasoned, carefully-planned approach where only those applications that are necessary at any particular time are filed.

Finally, the adoption of NTA's proposal would further expedite the transition to digital television service. Currently, television licensees will be required to turn

in their analog television licensee by December 31, 2006, or when 85% of the community is capable of receiving digital service. In rural areas, however, it is highly likely that the December 2006 date will not trigger the return of the analog licensees. Instead, without further assistance from the Commission, it is likely that rural television stations will not reach the digital penetration figures required by the Communications Act well past 2010.

The adoption of NTA's proposal will expedite the transition by encouraging the conversion of television translators to digital transmissions. It is likely that television translator licensees will be more receptive to the delivery of digital signals if they know that their applications will receive expedited attention. Moreover, rural consumers will be more willing to convert to digital television sets if they know that there will be available programming. An informal request for the current demand for new television translators in New Mexico indicated that close to 75 new stations would be constructed if the Commission permitted rolling-windows. Clearly, such demand for new stations, and the roll-out of digital television service goes hand-in-hand, and the Commission should take every effort to encourage this result.

CONCLUSION

NTA's proposal is a rare win-win proposal for the Commission to consider that will lead to the swift delivery of free, over-the-air programming to rural areas, and will also encourage the transition to digital television.

Therefore, Alaska Broadcasters Association and New Mexico Broadcasters Association fully support NTA's proposed Rural Translator Service, and urge the Commission to adopt a Notice of Proposed Rulemaking to fully consider the rules to implement this new service.

Respectfully Submitted

**ALASKA BROADCASTERS ASSOCIATION
NEW MEXICO BROADCASTERS ASSOCIATION**

By: 

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May 16, 2003